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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT FRIEDMAN,

Plaintiff,

-against-

ISAAC LANDAU and SUPERIOR REALTY
GROUP LLC,

Defendants.

BROOKLYN OFFICE

ORDER

11-CV-3210 (NGG) (JMA)

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Robert Friedman commenced this action in the Supreme Court of the State of New York, Kings County, on February 25, 2011. (Notice of Removal (Docket Entry # 1) ¶ 1.) The action was subsequently removed to federal court. (See id.)

In his Complaint, Plaintiff alleges ten causes of action, all based upon allegations that Defendants made a wrongful 911 call, which resulted in Plaintiff's involuntary hospitalization. (Compl. (Ex. A to Notice of Removal (Docket Entry # 1) at 6-61).) Plaintiff states that while he was staying overnight at his father's home, Defendants called the New York Police Department and made a false report that Plaintiff was "acting crazy, and abusing his father." (Id. ¶ 10.) Although Plaintiff informed police that these allegations were false and explained that he has Tourette Syndrome, the officers nonetheless transported Plaintiff to the Coney Island Hospital Psychiatric Ward (the "Hospital"). (Id. ¶¶ 14-17.) Plaintiff was admitted to the Hospital without his consent, and remained there involuntarily from March 17, 2010 through June 3, 2010. (Id. ¶¶ 23-28.) Plaintiff states that throughout this period he was "forcibly medicated without his consent" with "antipsychotic drugs" and humiliated by Hospital staff. (Id. ¶¶ 26-27, 29-30.) Plaintiff also states that "[a]s a condition of his release" from Coney Island Hospital, "Plaintiff

was ordered by the Mental Hygiene Court to leave New York and to relocate to South Carolina against his will.” (*Id.* ¶ 32.)

Initially, Plaintiff brought this action against two Defendants: Isaac Landau (Plaintiff’s father’s landlord) and Superior Realty Group LLC (Landau’s employer). (Compl. ¶¶ 2-3, 6.) Plaintiff alleged that Landau was responsible for making the 911 call. (*Id.* ¶ 10.)¹

By letter dated January 25, 2012, Plaintiff’s counsel informed the court that during the course of discovery, Plaintiff gained access to telephone records that show that Landau was not in fact responsible for making the 911 call. (Pl. Mot. for Joinder (Docket Entry # 9) at 1.) Rather, Plaintiff states, these records reveal that Stephanie Haim, his father’s home health aide, made the 911 call. (*Id.*) Based on this information, Plaintiff has “settled with and released” both original Defendants from this action. (*Id.* at 2.) Plaintiff filed a stipulation of dismissal on February 13, 2012. (Docket Entry # 10.)

Plaintiff now requests leave of the court to file a Motion for Joinder pursuant to Federal Rule of Civil Procedure 19, so that he may name thirteen new Defendants, including Stephanie Haim. (*Id.*) Although the court finds that the addition of these parties is appropriate, Rule 19 does not provide the correct mechanism. Rather, Plaintiff must amend his Complaint, pursuant to Federal Rule of Civil Procedure 15—not only by adding the names of new Defendants, but also by supplementing the facts alleged in order to reflect the involvement of each of these parties. Because Plaintiff’s claims will remain essentially the same as those he alleged initially, the court finds that the interests of justice will be served by permitting him to name additional Defendants. See Fed. R. Civ. P. 15(a)(2) (“The court should freely give leave when justice so

¹ The Complaint suggests that Landau sought to have Plaintiff removed from his father’s home because Plaintiff was making too much noise, due to the symptoms of his Tourette Syndrome. (See Compl. ¶ 8.)

requires"). Therefore, the court grants Plaintiff leave to amend his Complaint. Plaintiff shall file an Amended Complaint within 30 days of this Order.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
February 14, 2012

NICHOLAS G. GARAUFIS ✓
United States District Judge